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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/981,635

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David Thompson

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29395

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09/09/2008

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EXAMINER

BILGRAMI, ASGHAR H

ART UNIT

PAPER NUMBER

2143

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/981,635	<b>Applicant(s)</b> THOMPSON ET AL.	
	<b>Examiner</b> ASGHAR BILGRAMI	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1/10/2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7,8,11-17 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7,8,11-17 and 23-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/10/2008 has been entered.

2. In response to Election/Restriction requirement on 6/12/2008 applicant has elected Group I (claims 7, 8, 11-17, 23, 24-27 ) on 4/15/2008.

3. Dependent claim 28 is not addressed because it depends on claim 19 which not elected.

### ***Response to Amendment***

4. In response to Applicant's inclusion of the newly added claim 27 Examiner notes that applicant has included a negative limitation by excluding what the inventors did not invent rather than distinctly and particularly pointing out what they did invent. Therefore, Examiner has given a 112 rejection which is explained below in the office action.

***Claim Rejections - 35 USC § 112***

5. Claims 7, 8, 11, 14, 15, 16, 23, 25 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Language in the identified claims contains limitations such as “requesting an information that is in the form of markup language, by the client device from the server computer over the wireless network in substantially real-time” and “substantially immediately responsive to requests of the wireless communications device to the server device”, are not described in the applicants specification. Examiner could not find any language in applicant’s disclosure that disclosed or suggested above functionality. Additionally, applicant should avoid the use of ambiguous terms such as “substantially” in the claim language unless it is clearly defined in the specification.

6. Claim 27 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner could not find the limitation that “wherein at least one of the first data and the second data is not maintained at the tokenization server and the

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server device and is communicatively accessible over the network in conjunction with looking up performed by the tokenization server” in applicant’s specification.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 7, 8, 11, 14, 15, 16, 23, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “substantially” is an ambiguous term which is not measurable or tangible and therefore makes the claim language indefinite. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 7, 8, 11-17, 23, 24-27 rejected under 35 U.S.C. 102(e) as being anticipated by Kloba et al (U.S. 6,144,997).

11. As per claims 7, 11, 14, & 23 Kloba disclosed a communications network for communicating a first type of data and a second type of data contained within an object, comprising: a server device; a tokenization server communicatively accessible to the server device; a first data of the first type of data of the object; a second data of the second type of data of the object; a dictionary communicatively accessible to the tokenization server, the dictionary including a first token representative of the first type of data and a second token representative of the second type of data (figure 1x), the tokenization server capable of looking up in the dictionary the first token indicative of the first data of the first type of data and the second token indicative of the second data of the second type of data, respectively (col.5, lines 11-67 & col.5, lines 1-67); and a wireless communications device wirelessly communicatively connected to the server device (col.8, lines 23-26), the wireless communications device is remotely located from the server device; wherein the wireless communications device requests the first data and the second data in wireless communications with the server device as remotely located; wherein the tokenization server communicates to the server device the first token indicative of the first data, substantially immediately responsive to requests of the wireless communications device to the server device (figure 1V); wherein the tokenization server communicates to the server device the second token indicative of the second data, substantially immediately responsive to requests of the wireless communications device to the server device (col.17, lines 61-67 & col.18, lines 1-10); and wherein the server device wirelessly communicates the first token and the second token, but not the first data and not the second data, to the wireless communications

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device where remotely located from the server device, substantially immediately after the wireless communications device wirelessly requests to the server device (col.14, lines 58-67 & col.15, lines 1-27).

12. As per claim 8 Kloba disclosed the method of claim 7, further comprising the steps of: receiving, first, the first token identifier by the client device over the wireless network in substantially real-time; receiving, second, the second token identifier by the client device over the wireless network in substantially real-time; and converting the first token identifier by the client device on substantially real-time, to obtain the entirety of the second first sequence of data at the client device; and converting the second token identifier by the client device substantially real-time, to obtain the entirety of the second sequence of data at the client device (col.14, lines 58-67 & col.15, lines 1-27).

13. As per claim 12 Kloba disclosed the server computer of claim 11, further comprising: a relational database of the defined identifiers, the relational database communicatively connected to the pre-processor (col.8, lines 58-65).

14. As per claim 13 Kloba disclosed the server computer of claim 12, wherein the information is an HTML page including at least the first data sequence and the second data sequence, and the respective distinct defined identifiers of the relational database correspond, respectively, to the first data sequence indicative of recurring in the HTML code and to the second data sequence recurring in the HTML code (col.8, lines 58-67, col.9, lines 1-23).

15. As per claims 15 Kloba disclosed the communications network of claim 14, further comprising a token converter communicatively connected to the wireless communications device, for interpreting the first token, once received by the wireless communications device, as the first data (col.14, lines 58-67 & col.15, lines 1-27).

16. As per claim 16 Kloba disclosed the communications network of claim 15, wherein the token converter comprises a software of the wireless communications device (col.14, lines 58-67 & col.15, lines 1-27).

17. As per claim 17 Kloba disclosed the communications network of claim 14, wherein the object mark-up language including the first data and the second data (col.14, lines 58-67 & col.15, lines 1-27).

18. As per claim 24 Kloba disclosed the method of claim 23, further comprising the steps of: receiving the plurality of tokens at the client device via the step of communicating; and interpreting respective ones of the plurality of tokens token at the client device, such that each respective one is recognized as the unique respective distinct data of the applicable distinct data type (col.14, lines 58-67 & col.15, lines 1-47).

19. As per claim 25 Kloba disclosed the method of claim 7, wherein the step of pre-processing is performed in substantially real-time, responsive to the step of requesting.



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20. AS per claims 26 Kloba disclosed the server computer of claim 11, wherein the server computer further comprising: a transmitter connected to the server computer and the wireless network, the transmitter capable of wirelessly delivering from the server computer to the mobile device, the respective distinct defined identifiers for the first data sequence and the second data sequence, in substantially real-time in response to the request (figure 1x, col.15, lines 9-48).

21. As per claim 27 Kloba disclosed the communications network of claim 14, wherein at least one of the first data and the second data is not maintained at the tokenization server and the server device and is communicatively accessible over the network in conjunction with looking up performed by the tokenization server (col.15, lines 9-48).

### ***Response to Arguments***

22. Applicant's arguments filed 1/10/2008 have been fully considered but they are not persuasive.

23. Applicant argued that Kloba fails to disclose the amended limitations and the newly added dependent claims.

24. As to applicant's argument examiner has addressed the newly amended claim limitations in the office action above and cited pertinent citations of Kloba that disclose those limitations.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASGHAR BILGRAMI whose telephone number is (571)272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. B./  
Examiner, Art Unit 2143

/Tonia LM Dollinger/  
Supervisory Patent Examiner, Art Unit 2143